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FINNEGAN HENDERSON FARABOW GARRETT
& DUNNER LLP
901 NEW YORK AVE NW
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In re	:
Elyea, et al.	:
Application No. 09/675,256	: DECISION REGARDING
Filed: September 29, 2000	: PATENT TERM ADJUSTMENT
Attorney Docket No. 08049.0775	:
	:
	:

This decision is in response to the "NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT", filed July 11, 2005, requesting review of the patent term adjustment (PTA) indicated on the patent.

The request is **DISMISSED**.

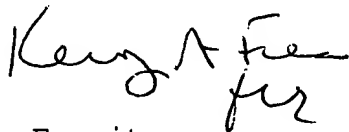
Applicants request that the PTO identify how it arrived at a patent adjustment of seven hundred fifty-one (751) days. According to Applicants, the patent term adjustment should be seven hundred thirty-eight (738) days.

The Office initially determined a patent term adjustment of seven hundred fifty-one (751) days based on an adjustment for PTO delay of seven hundred forty-eight (748) days¹ pursuant to 35 U.S.C. 154(b)(1)(A)(i)(I) and 37 C.F.R. § 1.703(a)(1) and sixty-six (66) days² pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), reduced by sixty-one (61) days³ and two (2) days⁴ of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b).

Review of the record indicates that the PTA of seven hundred fifty-one (751) days as indicated in the Notice of Allowance is correct.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

¹ The application was filed on September 29, 2000. The PTO did not mail an action under 35 U.S.C. 132 until December 17, 2003.

² Applicants filed an RCE on October 4, 2004. The PTO did not mail the Notice of Allowance until April 11, 2005.

³ Applicants did not file a response to the December 17, 2003 Office action until May 17, 2004.

⁴ The first Notice of Allowance was mailed on July 2, 2004. Applicants did not file a response until they filed the RCE on October 4, 2004.